

STATE OF VERMONT
PUBLIC SERVICE BOARD

Docket No. 6860

Petitions of Vermont Electric Power Company, Inc.)
(VELCO) and Green Mountain Power Corporation)
(GMP) for a certificate of public good, pursuant to)
30 V.S.A. Section 248, authorizing VELCO to)
construct the so-called Northwest Vermont)
Reliability Project, said project to include: (1))
upgrades at 12 existing VELCO and GMP)
substations located in Charlotte, Essex, Hartford,)
New Haven, North Ferrisburgh, Poultney, Shelburne,)
South Burlington, Vergennes, West Rutland,)
Williamstown, and Williston, Vermont; (2) the)
construction of a new 345 kV transmission line from)
West Rutland to New Haven; (3) the reconstruction)
of a portion of a 34.5 kV and 46 kV transmission line)
from New Haven to South Burlington; and (4) the)
reconductoring of a 115 kV transmission line from)
Williamstown to Barre, Vermont –)

Order entered: 12/13/2004

ORDER RE EMERGENCY MOTION FOR ORAL ARGUMENT

Background and Positions of the Parties

On December 7, 2004, the Town of New Haven ("New Haven") filed a motion with the Vermont Public Service Board ("Board") requesting that the Board set oral argument prior to the deadline for reply briefs. New Haven's motion appears to be predicated on its concern that the Board has an "incorrect understanding of a key legal issue – the future use of the 345 kV line and the 115 kV line under federal law." New Haven sets forth an analysis of federal law as it relates to open access to transmission lines and the concept of Transmission Reliability Margin to bolster this argument. In addition, New Haven argues that 3 V.S.A. § 809(c) "contemplates the opportunity to be heard at a hearing."

On December 10, 2004, responses were filed by Vermont Electric Power Company, Inc. ("VELCO"), the Vermont Department of Public Service ("Department"), and ISO New England ("ISO"). VELCO argues that 3 V.S.A. § 809(c) does not require an opportunity for oral argument, but rather provides the opportunity to present evidence, cross-examine adverse witnesses and present responsive evidence. In addition, VELCO asserts that New Haven has had ample opportunity to present evidence in this Docket, it has filed one legal brief, and has the opportunity to file a reply brief on December 17, 2004. Finally, VELCO contends that oral argument would be unduly burdensome considering the briefing schedule for this Docket.

The Department's comments essentially echo VELCO's in arguing that New Haven has the opportunity to be heard through its brief, and that oral argument at this stage would be burdensome for the parties. The Department contends that, if the Board does allow oral argument, such argument should occur after the briefing stage of the Docket is completed.

ISO contends that the emergency oral argument sought by New Haven is unnecessary in that New Haven has the opportunity to present legal and factual arguments through its briefs. ISO further argues that New Haven's motion is too open-ended and imprecise, in that it would allow argument on any of the extensive issues raised in this Docket. Granting the motion, ISO contends, would provide more confusion than clarity. Finally, ISO asserts that the motion contains substantive inaccuracies concerning system reliability.

Discussion and Conclusion

New Haven's emergency motion for oral argument is unpersuasive. Section 809(c) of Title 3 sets out the minimum requirements for procedural process. Section 809(c) does not support New Haven's motion for oral argument. The process in this Docket has, in fact, substantially exceeded the requirements of Section 809(c). New Haven has presented witnesses on the issue of system reliability, and has cross-examined other parties' witnesses on this issue. New Haven submitted its initial brief on November 24, 2004, and has the opportunity to file a reply brief on December 17, 2004. In addition, we have provided parties an opportunity to provide supplemental briefs on any issues raised by Robert Blohm (New Haven's witness on reliability) on December 17, 2004, with replies to these supplemental briefs due on December 23,

2004. Additionally, as VELCO and the Department correctly note, oral argument at this stage of the proceeding would be burdensome on the parties.

New Haven's emergency motion for oral argument is denied.

SO ORDERED.

Dated at Montpelier, Vermont, this 13th day of December, 2004.

<u>s/Michael H. Dworkin</u>)	
)	PUBLIC SERVICE
)	
<u>s/David C. Coen</u>)	BOARD
)	
)	OF VERMONT
<u>s/John D. Burke</u>)	

OFFICE OF THE CLERK

FILED: December 13, 2004

ATTEST: s/Susan M. Hudson
Clerk of the Board

NOTICE TO READERS: This decision is subject to revision of technical errors. Readers are requested to notify the Clerk of the Board (by e-mail, telephone, or in writing) of any apparent errors, in order that any necessary corrections may be made. (E-mail address: Clerk@psb.state.vt.us)